

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DOUGLAS P. BUSH,

Plaintiff,

FILE NO. 1:06-CV-524

v.

HON. ROBERT HOLMES BELL

MICHELLE MARFORI, et al.,

Defendants.

ORDER AND JUDGMENT ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to the Magistrate Judge for screening, pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A and 42 U.S.C. § 1997e(c). The Magistrate Judge issued a Report and Recommendation ("R&R") (docket #3) recommending that this Court dismiss the action for failure to state a claim. The matter presently is before the Court on Plaintiff's objections to the R&R (docket ##4, 5, 6, 7 & 8).

This Court reviews *de novo* those portions of an R&R to which objections are made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court may accept, reject or modify any or all of the Magistrate Judge's findings or recommendations. *Id.*

In his objections, Plaintiff essentially reargues the allegations of the Complaint, asserting that Defendants conspired to introduce false forensic testimony in his criminal trial. The Magistrate Judge concluded that Defendants had absolute immunity, that the claim was not cognizable in a § 1983 action because it constituted a challenge to a criminal conviction, and that Plaintiff's claims were barred by the doctrine of *Heck v. Humphrey*, 512 U.S. 477 (1994). The Court has carefully reviewed the pleadings and the analysis of the Magistrate Judge and finds no error. The Court therefore rejects Plaintiff's challenges to the Magistrate Judge's analysis.

Plaintiff next asserts that the Magistrate Judge, by applying established principles of federal law, has engaged in a fraud on the court and a violation of his duty to apply the Constitution. Plaintiff's spurious allegations are frivolous. The Magistrate Judge correctly and properly applied the law and recommended dismissal of the action as contemplated by 28 U.S.C. §§ 1915(e)(2), 1915A and 42 U.S.C. § 1997e(c).

Having considered each of Plaintiff's objections, the Court hereby denies Plaintiff's objections and adopts the Report and Recommendation of the Magistrate Judge as the opinion of the Court. Accordingly,

IT IS ORDERED that Plaintiff's objections (docket ##4, 5, 6, 7 & 8) to the Report and Recommendation of the Magistrate Judge are **DENIED** and the Report and Recommendation of the Magistrate Judge is **ADOPTED** in its entirety as the opinion of this Court.

IT IS FURTHER ORDERED that Plaintiff's complaint is dismissed for failure to state a claim, pursuant to 28 U.S.C. §§ 1915(e)(2), 1915A and 42 U.S.C. § 1997e(c).

IT IS FURTHER ORDERED that the Court finds no good-faith basis for appeal within the meaning of 28 U.S.C. § 1915(a)(3).

Dated: January 8, 2007

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE